

REMARKS

This Amendment is being filed in response to the final Office Action mailed on February 10, 2006.

On page 2 of the Office Action, the Examiner objected to claim 47, the Examiner stating that the word "which" was mis-spelled in the phrase "debt for wkich". Claim 47 has been amended above, and the mis-spelling noted by the Examiner has been corrected.

Claims 1-6, 9-11, 16-19, 21, 23, 28-38, 40-45, 47-50, and 53-64 were rejected under 35 USC 103(a) as describing subject matter considered by the Examiner to have been obvious to those skilled in the art based upon Morris (U.S. Patent Publ. 2001/0034662) in view of the cited July 1994 Rivkin article. The Examiner concedes within the Office Action that Morris does not teach a method of classifying bad debt items based upon a geographic territory where jurisdiction is present over a debtor. The Examiner cites the Rivkin article for its statement that the "most common means of enforcing a judgment is by requesting that a court with jurisdiction issue a writ of execution or similar order."

Method claim 1 has been amended above to recite that classification of a bad debt item is based on a geographic territory where the debtor resides, rather than where "jurisdiction is present over a debtor". Similarly, system claim 31 has been amended to state that the recited remote host system includes software installed for execution on the central processing element and having a database that includes at least one bad debt item that is accessible on an associated sales site module in accordance with a geographic territory where the debtor resides. Method claim 32 likewise includes the step of classifying a bad debt item based on a geographic territory where the debtor resides. Method claim 33 similarly requires a step of compiling information relating to at least one bad debt, the compiled information including a geographical location wherein the associated debtor resides, as well as a step of locating bad debts stored in a computerized database for which a geographical location specified by a potential purchaser corresponds with the stored geographical location wherein the associated debtor resides. Method claim 38 has been amended to include the step of compiling information relating to a plurality of bad debts, including a geographical location wherein the corresponding debtor resides; the step of locating bad debts stored in a computerized

1 database for which the geographical location specified by the potential purchaser corresponds with
2 the stored geographical location wherein the associated debtor resides; and the step of providing the
3 potential purchaser with information from the computerized database relating to a plurality of bad
4 debts grouped as a package, each of the packaged bad debts being associated with one or more
5 debtors who reside in the geographical location specified by the potential purchaser.

6 Amended method claim 45 includes the step of providing a computerized database containing
7 information relating to a plurality of bad debts, the computerized database including geographical
8 information indicating at least one territory wherein the associated debtor resides. Amended claim
9 45 further requires the steps of locating, and providing to the potential purchaser, bad debts stored in
10 the computerized database for which the geographical territory specified by the potential purchaser
11 corresponds with the territory in which the associated debtor resides. Similarly, method claim 47 as
12 amended requires the step of gathering debtor residence information regarding geographic territories
13 in which the debtor associated with one or more uncollected resides; storing the gathered debtor
14 residence information in a computer storage element, and providing a client with information from
15 the computer storage element relating to at least one uncollected debt for which the corresponding
16 resides within a geographic territory specified by the client. Method claim 55 has been amended to
17 require the steps of compiling bad debts each associated with a debtor, wherein each debtor resides
18 within at least one geographic territory; allowing a remote client to select at least one geographic
19 territory; and providing the remote client with information relating to at least one bad debt for which
20 the associated debtor resides within the geographic territory selected by the remote client.

21 Thus, to one extent or another, each of the amended independent claims mentioned above
22 includes a limitation that relates to the geographical territory where the debtor resides.

23 The Examiner earlier relied upon the cited Rivkin article to make the argument that it would
24 have been obvious to modify the Morris debt auction disclosure to classify debts in accordance with
25 geographical locations wherein the debtor owns property against which a judgment can be enforced.
26 In that regard, the Examiner pointed out that the Rivkin article states that "the real property,
27 equipment, fixtures, and personal property of a judgment debtor are seized by law enforcement
28 officers and then sold at a judicially supervised public auction." However, the Rivkin article does

1 not discuss the residence of the debtor, but only the location of assets owned by a debtor against
2 whom a judgment has already been obtained. Thus, Rivkin does not suggest modification of the
3 Morris debt auction disclosure to categorize debts in accordance with the residence of each of the
4 various debtors.

5 Thus, even if it were obvious to combine the teachings of the Rivkin article with the Morris
6 disclosure (which Applicant denies), such combination would still not result in a method or system
7 that facilitates the marketing of bad debts based upon a selected geographical location in which
8 corresponding debtors reside. Listing the debt under a geographic territory where the debtor resides
9 makes collection of the debt much more likely since this is the location where the debtor, and often
10 times, the debtor's assets, can usually be found. Were the debtor to move his or her residence to a
11 territory different from the territory where the debtor resided at the time that the debt was originally
12 incurred, the debt can be listed under the debtor's new territory of residence. This effectively allows
13 the debt to follow movements of the debtor for purposes of marketing the debt. Persons who
14 purchase bad debts are much more likely to buy a bad debt if the purchaser resides in the same
15 geographical territory where the debtor resides, as the purchaser can initiate collection efforts locally
16 and avoid expensive travel and non-local collection costs.


17 In the previous Office Action, the Examiner also cited a Civil Procedure text by Stephen C.
18 Yeazell (1996) for the proposition that a defendant may be sued within the state in which the
19 defendant is domiciled even if the defendant is absent from such state. In making such statement,
20 Yeazell is not discussing judgment debtors, debt collection, or marketing of bad debts. Rather,
21 Yeazell is merely stating a basic principle of civil judicial procedure. Thus, Yeazell does not suggest
22 modification of the Morris debt account marketing system to account for domicile, or residence, of a
23 debtor. Once again, the Examiner may not apply hindsight knowledge, gained from Applicant's
24 disclosure, to fashion a combination of prior art references that purportedly support an obviousness
25 rejection. See *In re Fritch* 23 USPQ2d 1780 (Fed. Cir. 1992) ["It is impermissible to use the
26 claimed invention as an instruction manual or "template" to piece together the teachings of the prior
27 art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne
28 cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to

1 deprecate the claimed invention.""].

2 Accordingly, Applicant respectfully submits that the present application is now in condition
3 for allowance, which action is earnestly requested.
4

5 Respectfully submitted,

6 CAHILL, VON HELLENS & GLAZER P.L.C. 3/29/06
JHG

7 
8
9 Marvin A. Glazer
Registration No. 28,801

10 155 Park One
11 2141 East Highland Avenue
12 Phoenix, Arizona 85016
13 Ph. (602) 956-7000
14 Fax (602) 495-9475
15 Docket No. 6589-A-3
16
17
18
19
20
21
22
23
24
25
26
27
28